

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Neil T. Parkin and Rainer A. Ziermann  
Serial No. : 09/874,472  
Filed : June 4, 2001  
For : MEANS AND METHODS FOR MONITORING PROTEASE  
INHIBITOR ANTIRETROVIRAL THERAPY AND GUIDING  
THERAPEUTIC DECISIONS IN THE TREATMENT OF  
HIV/AIDS

1185 Avenue of the Americas  
New York, New York 10036  
May 7, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attn: Office of Initial Patent Examination

Sir:

**PETITION TO RESTART PERIOD OF REPLY**

This Petition is submitted in connection with an April 3, 2002 Notice Of Incomplete Reply issued by the Initial Patent Examination Division of the U.S. Patent and Trademark Office in connection with the above-identified application.

**REMARKS**

On August 17, 2001, the Patent and Trademark Office issued a Notice To File Missing Parts (the "First Notice") requiring that applicants submit a signed oath or declaration, substitute drawings in compliance with 37 C.F.R. 1.84, and a sequence listing in compliance with 37 C.F.R. 1.821-1.825.. A copy of the First Notice is attached hereto as **Exhibit A**.

As set forth in the First Notice, applicants were given two months, i.e. until October 17, 2001, to file a response. However, the October 17, 2001 deadline was extendable under the provisions of 37 C.F.R. §1.136 by up to five (5) months, i.e.

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until March 17, 2002.

On November 16, 2001, applicants submitted a Communication In Response To August 17, 2001 Notice To File Missing Parts And Petition For A One-Month Extension Of Time.

Thereafter, on April 3, 2002, the U.S. Patent and Trademark Office issued a Notice Of Incomplete Reply (the "Second Notice"). A copy of the Second Notice is attached hereto as **Exhibit B**. The Second Notice states that applicants' November 16, 2001 Communication was deemed insufficient, and requires that applicants submit a substitute set of drawings in compliance with 37 C.F.R. 1.84 and a substitute sequence listing in compliance with 37 C.F.R. 1.821-1.825.

The deadline for responding to the Second Notice, as set forth therein, is stated as being the deadline set forth in the First Notice, i.e. March 17, 2002.

During a May 3, 2002 telephone conference with Mr. Kevin Little regarding this matter, applicants' undersigned attorney, Alan J. Morrison, Esq., noted that this March 17, 2002 deadline for a response is in fact prior to the April 3, 2002 issuance date of the Second Notice, and hence, compliance with the March 17, 2002 deadline was not possible. Mr. Little informed Mr. Morrison that the Second Notice was issued in error. Accordingly, and further to Mr. Little's request, applicants hereby submit this Petition requesting a restart to the period for replying to the Second Notice. Applicants understand that upon receipt of this Petition, Mr. Little will issue a new Notice, and that the new Notice will set forth a deadline for responding based upon such Notice's date of issuance.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite Mr. Little to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Petition. However, if any is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office on the date indicated below by facsimile and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Alan J. Morrison  
Reg. No. 37,399

5/7/02  
Date

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham, LLP  
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New York, New York 10036  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/874,472	06/04/2001	Neil T. Parkin	2793/59597-E

CONFIRMATION NO. 9210

## FORMALITIES LETTER



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Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, NY 10036

Date Mailed: 08/17/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54804 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable

form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/874,472	06/04/2001	Neil T. Parkin	59597-E/JPW/AJM

CONFIRMATION NO. 9210

## FORMALITIES LETTER



\*OC000000007770337\*

John P. White  
Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, NY 10036

Date Mailed: 04/03/2002

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 11/16/2001 to the Notice to File Missing Parts (Notice) mailed 08/17/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be

submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## COOPER &amp; DUNHAM LLP

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FOUNDED 1887

www.cooperdunham.com

\* NEW YORK STATE BAR ADMISSION PENDING

**FACSIMILE TRANSMISSION**

PLEASE DELIVER THE FOLLOWING PAGES

TO : Mr. Kevin LittleCOMPANY/FIRM : U.S. Patent and Trademark OfficeFACSIMILE NO.: (703) 305-9822FROM : Alan J. Morrison, Esq.

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: \_\_\_\_\_

DATE : May 8, 2002

TIME: \_\_\_\_\_

CLIENT/DOCKET : 59597-E (Serial No.: 09/874,472)

## MESSAGE:

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TO (212) 278-0415.

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